

OFFICE OF THE SECRETARY
CORRESPONDENCE CONTROL TICKET

Date Printed: Apr 10, 2009 08:59

PAPER NUMBER: LTR-09-0144 **LOGGING DATE:** 04/10/2009
ACTION OFFICE: OGC

AUTHOR: James Salsman
AFFILIATION: CA
ADDRESSEE: Maxwell Smith
SUBJECT: Depleted uranium litigation

ACTION: Appropriate
DISTRIBUTION: Chairman, Comrs, EDO, OCA

LETTER DATE: 04/02/2009
ACKNOWLEDGED: No
SPECIAL HANDLING: Chairman Resource

NOTES:
FILE LOCATION: ADAMS

DATE DUE: **DATE SIGNED:**

Template
SECY-017

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SECY 06

Sandy Joosten

From: James Salsman [jsalsman@gmail.com]
Sent: Thursday, April 02, 2009 9:03 PM
To: Maxwell Smith
Cc: Mark.Bayer@mail.house.gov; Neeta.Bidwai@mail.house.gov; Emma.Moburg-Jones@mail.house.gov; CHAIRMAN Resource; CMRSVINICKI Resource; CMRLYONS Resource; Glenda Evans; Terry Lodge; Rita Hindin; Rosalie Bertell
Subject: Re: Salsman v. NRC

Dear Mr. Smith:

No amount of context can hide your attempt to disenfranchise me along with all of the other people of our nation, which was foiled by your own selections in your Excerpts of Record. That you tried to lie about whether we are all exposed to uranium was in furtherance of the Commission's neglect of the most serious toxic hazards of uranium just adds to the shame. Radiation has nothing to do with it.

I demand an apology.

Should no apology be forthcoming, I shall take the matter of your intentional misrepresentation of the facts up with the D.C. and Maryland bar associations.

Sincerely,

James Salsman

On Thu, Apr 2, 2009 at 8:01 AM, Maxwell Smith <Maxwell.Smith@nrc.gov> wrote:

> Dear Mr. Salsman,

>

> Our brief, when read in context, speaks for itself and does not state that you were never exposed to naturally occurring uranium. Moreover, we note that the NRC does not regulate exposure to background radiation, which includes exposure to naturally occurring radioactive material. See 10 C.F.R. §§ 20.1001(b), 20.1002, 20.1003.

>

> Sincerely,

>

> Maxwell Smith

>

> -----Original Message-----

> From: James Salsman [mailto:jsalsman@gmail.com]

> Sent: Tuesday, March 31, 2009 5:33 PM

> To: Maxwell Smith

> Subject: Re: Salsman v. NRC

>

> Dear Mr. Smith:

>

> I am not asking a rhetorical question. There is certainly a
> contradiction in the papers you have filed with the court, and it
> needs to be resolved.

>

> Your Excerpts of Record states, "Uranium intake from the normal U.S.
> diet is about 1.75 [micrograms per] day." Your Brief for Respondents
> apparently misinterprets this quote from my opening brief, "...other
> people are also occasionally exposed to other contamination leading to
> uranium ingestion....' But this claim does not allege that Petitioner
> himself will actually be exposed to uranium...."

>

> Are there any reasons that I am not actually exposed to about 1.75
> micrograms of uranium per day?

>

> Sincerely,

>

> James Salsman

>

>

> On Mon, Mar 30, 2009 at 2:02 PM, James Salsman <jsalsman@gmail.com> wrote:

>> Dear Mr. Smith:

>>

>> Your own Excerpts of Record shows that I am one of the "other people"
>> to which I referred in your excerpt below, does it not?

>>

>> Sincerely,

>>

>> James Salsman

>>

>>

>> On Mon, Mar 30, 2009 at 1:52 PM, Maxwell Smith <Maxwell.Smith@nrc.gov>
wrote:

>>> Dear Mr. Salsman,

>>>

>>> It looks like our brief has caused you some confusion. Your
>>> confusion appears to stem from our response to an argument you made
>>> in your brief. We said,

>>>

>>> Petitioner's only conceivable claim of real harm in his brief is his statement that
"[u]ranium metalworkers, miners, and United States Armed Forces are exposed

occupationally to airborne uranium compounds. Those and other people are also occasionally exposed to other contamination leading to uranium ingestion, inhalation, and absorption (e.g., as food or water contamination or shrapnel.)” But this claim does not allege that Petitioner himself will actually be exposed to uranium of any kind.

>>>

>>> Respondents’ Brief at 16 (quoting Petitioner’s Brief at 3). Thus, in context, our brief simply points out that you argued that some people are occupationally and otherwise exposed to uranium compounds but failed to include yourself in that class. Our brief does not argue that you have never been exposed to uranium.

>>>

>>> Sincerely,

>>>

>>> Maxwell Smith

>>>

>>> -----Original Message-----

>>> From: James Salsman [mailto:jsalsman@gmail.com]

>>> Sent: Monday, March 30, 2009 3:30 PM

>>> To: Maxwell Smith

>>> Subject: Salsman v. NRC

>>>

>>> Dear Mr. Smith:

>>>

>>> The Commission's recent action to classify depleted uranium as class
>>> A waste and the subsequent response by congressmen Markey and
>>> Matheson has reminded me of the contradiction in your filings with
>>> the Ninth Circuit in our case No. 08-74043.

>>>

>>> In your Brief for Respondents, you claimed that I lacked standing to
>>> sue because I have never been exposed to "uranium of any kind." In
>>> your Excerpts of Record, the American Conference of Governmental
>>> Industrial Hygienists state otherwise, that "Uranium intake from the
>>> normal U.S. diet is about 1.75 [micrograms per] day."

>>>

>>> Those statements are in as direct categorical contradiction as is
>>> possible for two propositions to be. Clearly one or the other but
>>> not both can be true. Which do you now believe to be the more
>>> accurate statement?

>>>

>>> Sincerely,

>>>

>>> James Salsman

>>>

>>

>

Received: from mail2.nrc.gov (148.184.176.43) by OWMS01.nrc.gov
(148.184.100.43) with Microsoft SMTP Server id 8.1.291.1; Thu, 2 Apr 2009
21:02:49 -0400

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Received: by yx-out-1718.google.com with SMTP id 6so515512yxn.80 for
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MIME-Version: 1.0

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02 Apr 2009 18:02:48 -0700 (PDT)

In-Reply-To:

<AC3D8151B0831F4EAFFB2501B87BF9050ED3A5F390@HQCLSTR02.nrc.gov>

References: <a3c2bd6c0903301229k4c9596bx4f4fb3c674d7b5@mail.gmail.com>

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<AC3D8151B0831F4EAFFB2501B87BF9050ED3A5F390@HQCLSTR02.nrc.gov>

Date: Thu, 2 Apr 2009 18:02:48 -0700

Message-ID: <a3c2bd6c0904021802g62b5b531sdf7c9234e05207d@mail.gmail.com>

Subject: Re: Salsman v. NRC

From: James Salsman <jsalsman@gmail.com>
To: Maxwell Smith <Maxwell.Smith@nrc.gov>
CC: <Mark.Bayer@mail.house.gov>, <Neeta.Bidwai@mail.house.gov>, <Emma.Moburg-Jones@mail.house.gov>, <CHAIRMAN@nrc.gov>, <CMRSVINICKI@nrc.gov>, <CMRLYONS@nrc.gov>, <Glenda.Evans@nrc.gov>, Terry Lodge <tjlodge50@yahoo.com>, Rita Hindin <rhindin@gmail.com>, Rosalie Bertell <rosaliebertell@greynun.org>
Content-Type: text/plain; charset="UTF-8"
Content-Transfer-Encoding: quoted-printable
Return-Path: jsalsman@gmail.com